

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) RICHAUD
)
 Title) GAS PURGED NOZZLE
)
 U.S. Application No.) 10/530,092
)
 Attorney's Docket) 1370 US/PCT

To: Mail Stop: MISSING PARTS
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

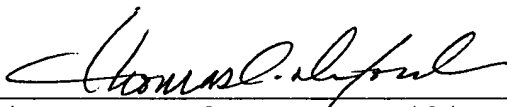
Express Mail Certificate

Date of Deposit: JULY 25, 2005

To: Assistant Commissioner for Patents

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 C.F.R. 1.10 on the date indicated above and was addressed to Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail number ED153344487US



 Signature of person mailing correspondence

Thomas C. Dunford

 Name of person mailing correspondence

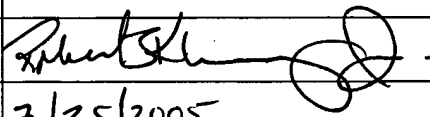
Please type a plus sign (+) inside this box → ☐


PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/530,092	
	Filing Date		
	First Named Inventor	RICHAUD	
	Group Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	22	Attorney Docket Number	1370 US/PCT

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): RESPONSE TO NOTIFICATION OF MISSING REQUIREMENT DOCUMENT; EXPRESS MAIL CERTIFICATE; RETURN RECEIPT POSTCARD
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Robert S. Klemz, Jr. Reg No. 46305
Signature	
Date	7/25/2005

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>JULY 25, 2005</u> <i>Express mail</i>	
Typed or printed name	Thomas C. Dunford
Signature	
Date	JULY 25, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete; Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 130.00**Complete if Known**

Application Number 10/530,092

Filing Date

First Named Inventor RICHAUD

Examiner Name

Art Unit

Attorney Docket No. 1370 US/PCT

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

220281

Vesuvius Research

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 740	2001 370	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 510	2003 255	Plant filing fee	
1004 740	2004 370	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	0
Multiple Dependent	-3** =	X	0
			0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	130
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 400	2252 200	Extension for reply within second month	
1253 920	2253 460	Extension for reply within third month	
1254 1,440	2254 720	Extension for reply within fourth month	
1255 1,960	2255 980	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,280	2453 640	Petition to revive - unintentional	
1501 1,280	2501 640	Utility issue fee (or reissue)	
1502 460	2502 230	Design issue fee	
1503 620	2503 310	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 740	2809 370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 740	2810 370	For each additional invention to be examined (37 CFR 1.129(b))	
1801 740	2801 370	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00**SUBMITTED BY**

(Complete if applicable)

130

Name (Print/Type) Robert S. Klemz, Jr.

Registration No.
(Attorney/Agent)

46305

Telephone

412-429-1800

Signature

Date

7/25/2005

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	RICHAUD, Johan
)	
Title)	Gas Purged Nozzle
)	
Int'l Application Number)	PCT/US03/27209
)	
Int'l Publication No.)	WO2004/022267 A1
)	
Int'l Filing Date)	September 02, 2003
)	
Attorney Docket No.)	1370 US

To: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

This paper is in response to the Notification of Missing Requirements Under 35 U.S.C. 371 mailed May 25, 2005, setting a two month period for Response.

The Notification indicated that an oath or declaration in compliance with 37 CFR 1.497 (a) and (b), along with a \$130 surcharge are due. Applicant respectfully traverses this requirement.

07/25/2005 MAILING 00000055 220281 10530032

01 PG 15:7 130.00 DA

A copy of the Request, as filed in the USPTO Receiving Office on September 2, 2003 is transmitted herewith. As can be seen, a declaration in compliance with 37 CFR 1.497 (a) and (b) is located on pages 5-6 of the Request. Therefore, the declaration has been filed in the case prior to 30 months from the priority date.

As a result, Applicant believes that the requirement for the \$130 surcharge should be withdrawn. In the meantime, the Commissioner is hereby authorized to charge the appropriate surcharge under 37 CFR 1.492(e) (\$130.00) as well as any additional necessary fees, to deposit account number 220281 in order to timely meet the requirements of the Notification. Applicant reserves the right to petition of a refund of

the surcharge should it be determined, as set forth by Applicant, that the declaration has already been timely filed, making the surcharge inappropriate.

A copy of this Response will also be sent via mail.

Date:

Vesuvius USA Corporation
27 Nobletown Road
Carnegie, PA 15106-1632
Tel: 412-276-1750 x252
Fax: 412-276-7252

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert S. Klemz", with a stylized flourish at the end.

Robert S. Klemz
Reg. No. 46,305



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/530,092	Johan Richaud	1370 US/PCT

Vesuvius
 27 Noblestown Road
 Carnegie, PA 15106-1632

Due - 7-25-05

INTERNATIONAL APPLICATION NO.	
PCT/US03/27209	
I.A. FILING DATE	PRIORITY DATE
09/02/2003	09/03/2002

CONFIRMATION NO. 7465
 371 FORMALITIES LETTER



OC000000016104760

Date Mailed: 05/25/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/01/2005
- Copy of the International Search Report filed on 04/01/2005
- Preliminary Amendments filed on 04/01/2005
- Information Disclosure Statements filed on 04/01/2005
- Request for Immediate Examination filed on 04/01/2005
- U.S. Basic National Fees filed on 04/01/2005
- Substitute Specification filed on 04/01/2005
- Power of Attorney filed on 04/01/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$ 130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE

DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/530,092	PCT/US03/27209	1370 US/PCT

FORM PCT/DO/EO/905 (371 Formalities Notice)



UNITED STATES POSTAL SERVICE®

POST OFFICE TO ADDRESSEE



* E U 6 0 5 0 3 7 5 7 3 U S *

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 15106	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In Mo. 05 Day 15 Year 2005	Postage \$ 13.65	
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Return Receipt Fee \$	
Weight lbs. 1.5 ozs.	COD Fee	Insurance Fee
No Delivery <input type="checkbox"/> No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Int'l Alpha Country/Code	
Acceptance Clerk Initials WTH	Total Postage & Fees \$ 13.65	

CUSTOMER USE ONLY

METHOD OF PAYMENT Express Mail Corporate Acct. No.	FROM: (PLEASE PRINT) VESUVIUS USA 27 NORTHTOWN ROAD CARNEGIE, PA 15106-1632
Express Mail Corporate Acct. No.	TO: (PLEASE PRINT) MAIL STOP PCF COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA, VA 22313-1450
PHONE 412-429-1800 x255	PHONE 703-308-4357
ZIP+4 15106-1632	ZIP+4 22313-1450

☐ WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. Delivery to be made without obtaining signature of addressee or addressee's authorized agent. Signature of addressee or addressee's authorized agent is required for delivery to a business or institution (in secure location) and for delivery to a residential address (in secure location) and for delivery to a residential address (in secure location) and for delivery to a residential address (in secure location).

☐ NO DELIVERY ☐ Weekend ☐ Holiday ☐ Return ☐ Signature

Customer Copy
Label 11-B May 2001

www.usps.com

FOR PICKUP OR TRACKING CALL 1-800-222-1811

BEST AVAILABLE COPY



VESUVIUS USA
27 NOBLESTOWN ROAD
CARNEGIE, PA 15106-1632

ATTN: LEGAL DEPT.

SEPTEMBER 2, 2003

ASSISTANT COMMISSIONER FOR PATENTS

(KINDLY ACKNOWLEDGE RECEIPT OF THE FOLLOWING
LISTED DOCUMENTS AND RETURN THIS POSTCARD)

ATTORNEY DOCKET NO. 1370

- 1 - PG - EXPRESS MAIL CERTIFICATE
- 2 - PGS - PCT REQUEST FORMS
- 2 - PGS - PCT (ANNEX - FEE CALCULATION SHEET)
- 1 - PG - PCT "EASY" INFORMATION SHEET - VALIDATION LOG
- 1 - PG - GENERAL POWER OF ATTORNEY BY INVENTOR
- 1 PG - GENERAL POWER OF ATTORNEY BY COMPANY
- 15 PGS - APPLICATION SPECIFICATION, CLAIMS, AND ABSTRACT
- 2 PGS - DRAWINGS
- 1 - DISKETTE (PCT EASY)
- 1 - RETURN RECEIPT POSTCARD